

COPY

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re: §
CIRCUIT CITY STORES, INC, et al., § CASE NO. 08-35653
Debtor. § § Jointly Administered Chapter 11

AMENDED PROOF OF CLAIM

Edward L. Rothberg with the law firm of Weycer, Kaplan, Pulaski & Zuber, P.C., Attorney in Fact for CIRCUIT SPORTS, L.P. ("Circuit Sports") with its principal office at Eleven Greenway Plaza, Suite 1400, Houston, Texas 77046, herein deposes and says:

1. I am the Attorney in Fact for Circuit Sports and am familiar with the amounts due and owing to Circuit Sports. I am authorized to make this Proof of Claim on behalf of Circuit Sports.
2. Circuit Sports is the landlord with respect to Debtors' retail lease space #3520 located at 13350 I-10 East, Houston, Texas ("Lease").
3. The Debtor rejected the Lease with Circuit Sports effective March 11, 2009.
4. No judgment has been rendered on this claim.
5. This claim is not subject to any set-off or counterclaim.
6. The Debtor is at the date of the filing of the petition initiating this case, indebted to Claimant in the sum of \$416,325.34, including:

- a Prepetition rents and associated expenses in the amount of \$47,798.21;
- b Rejection damages as limited by 11 U.S.C. § 502(g) in the amount of \$314,270.64 including \$8340.00 as reimbursement of repair costs due to the abandonment of the leased premises; and

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APR 30 2009

KURTZMAN CARSON CONSULTANTS

c \$6146.63 in attorneys' fees.

A worksheet reflecting these amounts is attached hereto as Exhibit "A".

7. Additionally, Circuit Sports is owed post-petition rent and associated charges for the months of November 2008 – March 2009 in the amount of \$48,109.86 which is entitled to administrative expense priority in accordance with 11 U.S.C. §503(b). A worksheet reflecting these amounts is attached hereto as Exhibit "A".

8. The filing of this Proof of Claim is not a waiver of the Claimant's right to follow any of its property or proceeds into the hands of whomsoever may receive it, provided the same was delivered in such circumstances as would entitle Claimant to receive or follow its property, nor does this claim constitute a waiver of any other right of action, or any other right that Claimant has or may have against the Debtor, the Trustee, or any other person, firm or corporation.

9. This is a general unsecured claim in the amount of \$368,215.48 representing pre-petition debts, and an administrative claim in the amount of \$48,109.86 for post-petition lease obligations which are not paid.

EXHIBIT A

DATED: April 29, 2009

Respectfully submitted,

WEYCER, KAPLAN, PULASKI & ZUBER, P.C.

By: 

EDWARD L. ROTHBERG
State Bar No. 17313990
MELISSA A. HASELDEN
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With pleasure

ATTORNEYS FOR CIRCUIT SPORTS, L.P.

EXHIBIT A

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Proof of Claim has been forwarded on April 29, 2009, to the following parties:

Circuit City Stores, Inc. et al.
Claims Processing Department
Kurtzman Carson Consultants LLC
2335 Alaska Avenue
El Segundo, CA 90245

VIA FEDERAL EXPRESS

Daniel F. Blanks
Dion W. Hayes
Douglas M. Foley
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9000 World Trade Center
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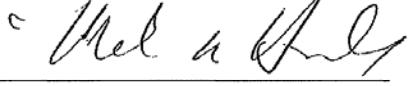
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Melissa A. Haselden

EXHIBIT A

**Circuit City Claim Amount
Update**

Updated as of 4/27/09
Bankruptcy date: November
10, 2009

	Pre-petition	Post-petition	Total
Nov Base Rent	5,917.33	13,807.09	19,724.42
2008 Tax Reconciliation	38,139.60	17,102.28	55,241.88
2008 Ins Reconciliation	2,557.81	1,146.95	3,704.76
Nov 08 Late Chg (late 5th)	1,183.47		1,183.47
Dec 08 Late Chg (late 5th)		1,183.47	1,183.47
March Base Rent		13,278.71	13,278.71
Mar 09 Late Chg (late 5th)		3,302.58	3,302.58
Jan 09 Tax		4,603.49	4,603.49
Jan 09 Ins		308.73	308.73
Feb 09 Tax		4,603.49	4,603.49
Feb 09 Ins		308.73	308.73
Mar 09 Tax		4,603.49	4,603.49
Mar 09 Ins		308.73	308.73
Legal Fees	6146.63		
Total outstanding as of 4/27/2009	53,944.84	64,557.74	\$118,502.58
March 12-31,2009 Less: Base Rent		-13,278.71	-13,278.71
March 12-31, 2009 Less: Tax		-199.18	-199.18
March 12-31, 2009 Less: Ins		-2,969.99	-2,969.99
TOTAL DUE	53,944.84	48,109.86	\$102,054.70

EXHIBIT "A"

EXHIBIT A

Base Rent	Other Rent	Total Rent
20,582.00	4,912.22	25,494.22
		X 12 months
	Subtotal Rejection Amount	305,930.64
	Repair & cleanup costs associated with abandonment of premises	8340.00
	TOTAL REJECTION CLAIM	314,270.64